

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

SHARON COBB, BEVERLY
GIBSON, TRISH ISABELLA,
DIANA TAIT, NANCY
WENTWORTH, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

BSH HOME APPLIANCES
CORPORATION, a Delaware
Corporation,

Defendant.

Case No. SACV10-711 DOC (ANx)

**ORDER GRANTING
PLAINTIFFS' AMENDMENTS TO
SECOND CONSOLIDATED
AMENDED COMPLAINT RE
SUBSTITUTION OF ILLINOIS
CLASS REPRESENTATIVE**

Assigned to:
District Judge: David O. Carter
Place: Courtroom 9D

Discovery Magistrate Judge: Arthur
Nakazato

Following on this Court's Order of December 20, 2012, and having considered Plaintiffs' Proposed Amendments to Second Consolidated Amended Complaint Re Substitution of Illinois Class Representative, the Court orders the Second Consolidated Amended Complaint amended as follows:

1. Brian Bolf is added to the list of Plaintiffs in the caption;

2. References to “Diana Tait” or “Tait” are replaced with “Brian Bolf” or “Bolf” and corresponding references to “she” or “her” are replaced with “he” and “his” throughout the SCAC, with the exception of paragraph 62;
3. Paragraphs 20-22 of the SCAC are replaced with the following paragraphs:

20. Plaintiff Brian Bolf is a citizen of Illinois and resides in Chicago, Illinois. On or about November 7, 2007, Plaintiff Bolf purchased a Bosch Nexxt Washing Machine from Lowes located in St. Charles, Illinois. Within six to eight months of owning and operating the Machine for normal household use, and as recommended by Bosch, the Machine accumulated Biofilm and developed Foul Odors and the Mold Problem. Plaintiff Bolf notified Bosch on several occasions that he was experiencing Foul Odors emanating from his Machine and mildew stains on his door gasket. During one of his first calls to Bosch, Bosch recommended that Plaintiff Bolf run an empty cycle through the Washer with just detergent in it and then to leave the door open for several days following the cleaning cycle until the unit completely dried out.

21. Despite complying fully with Bosch’s maintenance instructions, including running frequent empty cleaning cycles using costly cleaning agents, the Foul Odors persisted. Plaintiff Bolf again called Bosch and this time demanded a refund or replacement washing machine. Bosch refused. In the spring of 2009, Plaintiff Bolf continued to experience Foul Odors emanating from his Washer and also noticed black mildew stains on the Washer’s door gasket and on his clothes. He once again called Bosch to inform Bosch of the problems he was having with his Washer.

1 Bosch recommended that Plaintiff Bolf replace his door gasket.
 2 Plaintiff Bolf paid approximately \$150.00 to have his door gasket
 3 replaced. Within six months of replacing the door gasket and
 4 continuing his maintenance ritual, Plaintiff Bolf still had Foul
 5 Odors and the recently-replaced door gasket had black mildew
 6 stains. Several months later, Plaintiff Bolf replaced the door
 7 gasket again.

8 22. In July 2011, Plaintiff Bolf, unsatisfied with the performance of
 9 his Washer and the cost of ineffective maintenance, stopped
 10 using his Washer and stored it in his garage. Plaintiff Bolf
 11 replaced his Washer with a high-efficiency top-loading clothes
 12 washer.

13 4. Paragraphs 56 and 57 of the SCAC are replaced with the following
 14 paragraphs:

15 56. **Consumer Representative Bolf.** Mr. Bolf observed and
 16 examined a Washer at Lowes on or about November 7, 2007,
 17 including opening the door, as well as the detergent dispenser lid.
 18 At this time, Mr. Bolf specifically observed and read labels on
 19 the Washer itself, including the phrase “High Efficiency,” the
 20 warning labels, the recommendation to use “High Efficiency
 21 Detergent,” as well as the yellow U.S. Department of Energy
 22 “EnergyGuide” label on or in the Machine. Nowhere on the
 23 Washing Machine did Bosch disclose that the Washer had a high
 24 propensity to develop the Mold Problem, Foul Odors, Biofilm, or
 25 that it required Extraordinary Actions that would cause him to
 26 incur Undisclosed Additional Operating Expenses.

27 5. Figures 8-11 of the SCAC are replaced with the following figures:
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Figure 8: Console Overview



Figure 9: Dispenser Lid Open



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Figure 10: Warning Labels on Door Frame



Figure 11: Control Panel




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1 6. The following sentence is deleted from paragraph 178 of the SCAC: "In the
2 case of Consumer Representative Tait, Ms. Tait is the third party beneficiary of the
3 contract for sale of a Washing Machine from Bosch to ABT Electronics &
4 Appliances."

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6 **IT IS SO ORDERED.**

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8 DATED: February 11, 2013

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The Honorable David O. Carter
United States District Judge
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